

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ASCENTIAL SOFTWARE CORPORATION,)
Plaintiff)
v.) Civil Action No. 04-40130-DPW
RUSSELL DODSON,)
Defendant)

)

AFFIDAVIT OF AMY B. ABBOTT

Amy B. Abbott, being duly sworn, deposes and states, as follows:

1. I am an attorney admitted to practice before the Courts of the Commonwealth of Massachusetts, and I am counsel for Plaintiff, Ascential Software Corporation (“Ascential”) in the above captioned action. I make this affidavit upon personal knowledge concerning the pleadings and proceedings herein in support of the parties’ Joint Motion to Amend Scheduling Order.

2. Ascential filed a Second Amended Complaint on July 30, 2004. Ascential’s claims arise out of Russell Dodson’s (“Dodson”) alleged violation of his express written agreement not to disclose or use any proprietary or confidential information belonging to Ascential and Dodson’s alleged violation of his express written agreement not to make or cause to be made, directly or indirectly, any comments to any third party that disparage or denigrate Ascential or any of its officers or directors.

3. On July 16, 2004, the Court entered a scheduling order (“Scheduling Order”) that requires the parties to designate all trial experts and disclose all information contemplated by

Rule 26 of the Federal Rules of Civil Procedure no later than September 16, 2004, and to complete deposition discovery of experts by October 22, 2004.

4. The Scheduling Order further provides that all discovery is to be completed by October 22, 2004, unless shortened or enlarged by Order of this Court, and that a further scheduling/status conference is set for November 17, 2004.

5. The parties have begun to exchange written discovery, Ascential noticed Dodson's deposition and Ascential served a *subpoena duces tecum* on Dodson's current employer, Informatica. Both parties, however, still need to take substantial discovery.

6. In light of the complexity and confidential nature of the issues raised by Ascential's claims and Dodson's defenses, the parties have agreed to jointly request a sixty day extension of the current Scheduling Order deadlines in order to provide sufficient time to enter into a protective order, to conduct discovery, to resolve discovery issues, to identify experts and to prepare the disclosures set forth in Rule 26 of the Federal Rules of Civil Procedure.

7. This extension will not prejudice either party, may result in the narrowing of issues in dispute and is necessary for the efficient and just resolution of this action.

Signed under the pains and penalties of perjury this 16th day of September, 2004.

/s/ Amy B. Abbott _____
Amy B. Abbott